

**WESTFORD PERMANENT SCHOOL BUILDING COMMITTEE
MEETING MINUTES**

March 15, 2007

Members Present: A. Benoit, S. Brierley, K. Cavanagh, T. Ellis, R. Jefferies, G. Murray, K. Ware

Also Present: K. Thompson, C. Lanciani, N. Reed (NSRLA)

The meeting was called to order at 7:42 P.M.

LEGEND

Italics = prior meeting(s)

Bold = this meeting

NOTE: For the purpose of clarity much of the discussions from prior meetings have been omitted. Please refer to the Minutes of the August 18, 2005 and April 2, 2006 meetings for a comprehensive history of prior discussions.

I. INVOICES

NSRLA (Nick Reed) –

Stony Brook School – A **Motion** was made by K. Cavanagh seconded by K. Ware and passed unanimously, to approve payment of an invoice, dated 02/15/07, in the amount of \$2,055.00 for preparation of design development drawings, site visit, printing fees and review meeting with PSBC.

NSRLA (Nick Reed) –

Stony Brook School – A **Motion** was made by K. Ware seconded by K. Cavanagh and passed unanimously, to approve payment of an invoice, dated 03/15/07, in the amount of \$11,028.00 for completion of design development phase, site visits, preparation of construction document drawings and review meeting with PSBC.

WESTFORD PUBLIC SCHOOLS FOOD SERVICES –

Stony Brook School – A **Motion** was made by K. Ware seconded by K. Cavanagh and passed unanimously, to approve payment of an invoice, dated 03/07/07, in the amount of \$9.00 for 02/15/07 meeting expenses.

OTHER PAYMENTS:

KATHY THOMPSON – A **Motion** was made by K. Ware seconded by K. Cavanagh and passed unanimously, to approve payment of Invoice #14 dated 03/15/07, in the amount of \$370.80, for Administrative Assistant Services from February 1, 2007 through February 28, 2007.

WARRANTS SIGNED – None.

II. MINUTES

A **Motion** was made by K. Cavanagh seconded by A. Benoit and passed by a vote of five (5) in favor with two (2) abstentions, to approve the minutes of January 18, 2007 as submitted.

A **Motion** was made by K. Ware seconded by R. Jefferies and passed by a vote of five (5) in favor with two (2) abstentions, to approve the minutes of January 30, 2007 as submitted.

III. CRISAFULLI SCHOOL

No discussion

IV. MILLER SCHOOL

No discussion

V. STONY BROOK

*K. Morgan reported that he had spoken to E. Quinlan on 4/3 and that E. Quinlan would attend tonight's' meeting. However, Mr. Quinlan is not in attendance. There was discussion regarding the types of documents that we should begin to assemble, including PSBC meeting minutes, Change Orders, Contractor's Payment Requisitions, Punch List, correspondence between PSBC and Town Counsel and between PSBC and Peabody Construction, correspondence related to testing and investigation of the rubber floor tiles, minutes of the 3.1 Conference on April 12, 2005. K. Morgan will speak to C. Franceschi (DRA) to advise that we will be requesting documents. E. Quinlan (Quinlan & Sadowsky) attended the meeting to update the committee. A **Motion** was made by G. Murray seconded by A. Harkness and passed unanimously, to go into Executive Session for the purpose of discussing legal strategy. A **Motion** was made by G. Murray seconded by A. Harkness and passed unanimously, to allow the attendance of Ed Quinlan and Kathy Thompson at Executive Session. A **Motion** was made by G. Murray seconded by K. Ware and passed unanimously, to return to Public Session. There was some discussion regarding the condition of the VCT tile on the ground floor and whether it is advisable to perform repairs to those areas similar to the repairs performed on the rubber tile areas. K. Morgan will ask Northeast Flooring to review and update their previous cost proposal for the repairs. K. Morgan reported a conversation with Northeast Flooring. Northeast was asked to review their previous cost proposal for repairs to the VCT tile areas on the ground floor. The condition of the VCT tile areas has deteriorated to the point where it is considered a safety hazard. Northeast has submitted a revised proposal that is reduced in cost due to reduced disposal costs. Northeast has advised that they cannot perform the work in August due to prior commitments; however, they can do the work in July. K. Morgan reported that he spoke to E. Quinlan (Quinlan & Sadowsky) about this issue. Quinlan recommended that the PSBC send written Notice to Peabody Const. and St. Paul/Travelers of our intent to have the work done and offer them an opportunity to observe the existing conditions and respond. Quinlan will prepare the Notice. There was considerable discussion of the pros & cons of giving Northeast approval to proceed prior to any response from Peabody. After discussion a **Motion** was made by G. Murray seconded by K. Cavanagh and passed unanimously to authorize Northeast Flooring to perform repairs to the VCT tile areas of the ground floor in accordance with their proposal #2295 in the amount of \$156,596.00. K. Morgan was directed to inform Northeast that this authorization is contingent upon lack of satisfactory response by Peabody, etc. to notification of the Committee's intent to proceed prior to beginning the work. K. Morgan and G. Murray reported on progress of the repairs to the vinyl tile areas. The "B" wing (Admin. Tech. Ed., Music) has been stripped, the slab has been shot blasted and sealed, and should be ready for tile installation by Monday (7/17). The "A" (classroom) wing is being stripped. A couple of ceramic tiles in the main hallway and an electrical box in the Tech. Ed. Room have been damaged and Northeast has indicated that they will repair them. Completion is forecast for August 5. K. Morgan reported that E. Quinlan has sent written Notice to Peabody and St. Paul/Travelers of the defective work and offering them the opportunity to respond. No response has been received as of this meeting. K. Morgan reported no progress on the pursuit of reimbursement from the bonding company and will follow*

up with Quinlan & Sadowsky. K. Morgan reported on the progress of the tile installation. R. Harbaum and G. Murray believe that the installation in the cafeteria is unacceptable and K. Morgan asked the members to accompany him on a site visit on Saturday 8/12 to observe the situation. In addition, a significant portion of the carpet in the auditorium, nearest the stage, has come loose from the underlying slab. Northeast Flooring has submitted a cost proposal in the amount of \$30,737 to remove the existing carpet, shot blast and seal the floor, and install new carpet. The committee is uncertain of the extent of replacement needed and will review the area on Saturday. Based on comments from the committee Northeast Flooring has submitted a revised proposal in the amount of \$10,784.80 to remove the existing carpet, shot blast and seal the floor, and install new carpet in the "orchestra pit" area only. After discussion a Motion was made by R. Jefferies seconded by K. Cavanagh and passed unanimously to authorize Northeast Flooring to proceed with the removal of the existing carpet, shot blast and seal the floor, and install new carpet in the "orchestra pit" area only for an amount Not to Exceed \$10,784.80 pending clarifications of questions concerning accent strips, disposal costs, etc. K. Morgan reported no communication from Quinlan & Sadowsky and the committee expressed its' frustration with the lack of communication. K. Morgan will continue to try to speak to Ed Quinlan and communicate the committee's frustration. K. Morgan reported that he has spoken to E. Quinlan's office, Mr. Quinlan's wife has been hospitalized. K. Morgan will continue to attempt to speak with E. Quinlan. Based on a recent email from E. Quinlan, he is preparing a draft of a complaint that the committee might file against Peabody and St. Paul/Travelers. It also appears that E. Quinlan is suggesting that the process of filing suit and document discovery, etc. will result in the committee needing to retain an expert, or experts to investigate the rubber & vinyl tile and paver failure issues. There was considerable discussion on the merits of proceeding with the filing of a complaint, the likelihood of recovery of all or part of the costs that the committee alleges are owed by Peabody and the costs to the Town of legal representation and consultants. K. Morgan will continue to correspond with E. Quinlan in hopes of obtaining additional information and opinion. After discussion it was agreed that SA. Harkness would help draft a letter for the Town Manager to send to E. Quinlan that requests a detailed response to the most recent St. Paul/Travelers letter to the Insurance Commissioner. A Motion was made by G. Murray seconded by V. Weisenbloom and passed unanimously to request concurrence from the Board of Selectmen to proceed to file suit against Peabody Construction Company and Travelers Insurance Company. The PSBC will ask to appear at the next Board of selectmen meeting on February 28, 2007 and K. Morgan will inform E. Quinlan of the result of the Selectmen's meeting. E. Quinlan will provide, prior to the Selectmen's meeting an estimate of his costs to get to the point of going to trial.

A. Harkness volunteered to draft a letter to the Insurance Commissioner voicing the committee's frustration with the lack of response from St. Paul/Travelers. The letter was drafted, reviewed and sent. The committee has received a letter dated October 13, 2006 from the office of Consumer Affairs and Business Regulation, Division of Insurance, indicating that they have received our complaint and are investigating. Peabody/St. Paul/Travelers have responded to the Consumer Affairs' request for information and E. Quinlan provided a preliminary assessment via email date November 16, 2006.

The Action Items List was reviewed.

R. Jefferies reported that he had spoken to N. Reed, who agreed to reduce the scope to services to Conceptual design (s) and preliminary construction cost estimates, for a revised proposed fee of \$7,540.00. After discussion it was agreed that upon receipt of a written proposal K. Morgan would authorize work to proceed to an amount not to exceed \$5,000.00. K. Morgan reported that he has received, via R. Jefferies, a revised proposal in the amount of \$8,900.00 to provide preliminary design work for alternatives to the plaza entrances. K. Morgan has given a limited Notice to Proceed to N. Reed for an amount not to exceed \$5,000.00 per the vote taken at the prior meeting. A Motion was made by K. Ware, seconded by M. Mulligan and passed unanimously to authorize Nick Reed to provide preliminary design work for alternatives to the plaza entrances for an amount not to exceed \$8,900.00. K. Morgan reported that N. Reed has been provided with the contract drawings and has begun his work. Status

unchanged. R. Jefferies will speak to N. Reed to ascertain his progress. R. Jefferies has spoken to N. Reed, who indicated that he has not received the signed acceptance of his proposal. K. Morgan signed the acceptance based on the committee's prior vote to authorize the work. K. Thompson will forward the signed proposal tomorrow. R. Jefferies reported that he has spoken with N. Reed, who thought the meeting was October 9. R. Jefferies will ask N. Reed to attend the meeting on Nov. 16. N. Reed presented his analysis of the pavers situation and six (6) concepts for redesign of the plazas. After considerable discussion it was agreed to further develop Options B and C, including preliminary cost estimates. N. Reed provided an update of his progress and provided further developed sketches and Statements of probable Cost for Options B & C as previously directed by the committee. The probable Cost for Option B is \$276,954.00 and for Option C is \$458,402.00. Both options include extending the irrigation system, new and relocated plantings and minor electrical work. Option C also includes removal of the concrete base and the use of pavers as opposed to use of concrete paving with color and a score pattern. After considerable discussion it was the consensus of the committee to proceed with Final Design and Construction Document preparation for Option B and the committee requested that N. Reed prepare a scope and fee proposal for the design, document preparation and construction administration. It was agreed to schedule our next meeting for January 30 in order to review his proposal and possibly authorize N. Reed to proceed with Final design. It was also agreed to invite Supt. Of Schools B. Olsen and Stony Brook Principal P. Cohen to the meeting to coordinate the schedule for construction, access requirements, maintenance of plantings after installation, etc. N. Reed presented a scope and fee proposal in the amount of \$23,500.00 for design development, preparation of construction documents, bid phase services and construction administration. There was general discussion of the scope of services, pertaining to phasing of the work, schedule for the design and construction, coordination with the School Department and Stony Brook staff. There was also considerable discussion of design details, the possibility of engaging the students, parents and staff in the care and maintenance of the plantings after installation, etc. During the discussion it was noted that additional on-site observation may be necessary to supplement N. Reed's proposed level of on-site participation. It was suggested that J. Volkert might be available for this assignment and K. Morgan will speak to J. Volkert about it as soon as possible. The committee also requested additional information in the form of a list of assumptions that N. Reed based his proposal on. After the discussion a Motion was made by K. Ware seconded by A. Harkness and passed unanimously to approve the proposal with NSRL in the amount of \$23,500.00 for the services described in his proposal dated January 25, 2007 and to progress the work to generally meet the schedule developed by N. Reed dated 1/30/07 as revised during the meeting to a completion date of August 14, 2007. M. Mulligan then asked what the balance remaining in the project is. S. Brierley responded that the balance is approximately \$500,000 based on his recollection, although he did not have precise data at the meeting. N. Reed briefed the committee on his design progress and also presented an updated tentative project schedule and estimate of probable cost in the amount of \$262,834.00. During discussion the committee directed that the electrical work in the amount of \$3,500.00 be removed from the scope of this project. The committee suggested that N. Reed speak to Mike Liu (Berkshire Design) regarding as-built conditions, specifically grades and the design and capacity of the irrigation system. K. Morgan reported that J. Volkert is not available to act as Owner's representative during construction. It was suggested that C. Lanciani might be available and K. Morgan will contact him. **N. Reed briefed the committee on his design progress. He is on schedule and estimates that construction documents are approximately 90%-95% complete. There was some discussion as to the proper format for the contract documents, i.e. AIA format or other and also whether this project needs to be bid under Chapter 149. The committee requested N. Reed to prepare a draft contract in abbreviated AIA format and submit it to Town Counsel for review and also to discuss the format and access requirements with the Chief Engineer, Highway Superintendent and Fire Department. The Principal of the school should also be contacted. The specifications will be ready for the committee's review on 03/29/07 and it is forecasted to advertise for bids on 04/04/07. N. Reed will provide the specifications in electronic format to T. Ellis (Division I), R. Jefferies and S. Brierley (Plans and Technical Specs.) for review and also to B. Olsen and C. Lanciani. There was a brief discussion regarding C. Lanciani's role in the construction phase of the project, primarily his**

getting familiar with the work. K. Morgan will be the primary contact with c. Lanciani going forward.

*K. Morgan asked for volunteers to form a subcommittee to review Change Orders, etc. related to the exterior and site work in order to complete the E&O process. T. Ellis and G. Murray will act as a subcommittee to review all exterior work changes from an E&O perspective. T. Ellis and G. Murray will begin their review before the next meeting. Status unchanged. G. Murray will request the marked up plans from T. Ellis. G. Murray reported that he and T. Ellis toured the site two weeks ago. T. Ellis is preparing a report. However, G. Murray described a short list of items requiring correction and/or completion: the control station for the well and irrigation was never properly graded; topsoil missing around portions of the track; a washout between the baseball and softball fields; missing guardrail at the parking area adjacent to the treatment plant; the parking lot has become in essence a storage area. Some of these items should be repaired or completed by the School Department; others should be done by the PSBC. K. Thompson will discuss the School Department related issues with R. Crocker. Mahoney's Nurseries have purchased Laughton's. K. Morgan will ask T. Ellis to attempt to talk to Sandy, formerly of Laughton's, now with Mahoney's to ascertain the status of the remainder of the work. G. Murray reported that the guardrail has been replaced, the parking area has been cleaned and the previously stored materials have been removed, the area surrounding the irrigation control station has been repaired and that some topsoil has been placed around the edge of the track. The committee asked that the whereabouts of the concrete pavers be determined. R. Crocker previously reported that the extra pavers could not be found. **T. Ellis will prepare a summary of the plantings' E&O items.***

*The issue of the improperly located fence between the basketball and tennis courts has not been resolved, pending completion of the close out procedure with Peabody. Fences Unlimited, PCCI subcontractor, has sent a letter to PCCI requesting the balance of the monies owed to them by PCCI. This item is on the Punch List. G. Brackett has advised, in writing, that he will pursue this item with the bonding company. **T. Ellis questioned whether we should take any action pending the situation surrounding the pending lawsuit against Peabody/Travelers. Status unchanged.***

*The committee has received a revised proposal from Northeast Flooring for removal and replacement of the carpeting in the Auditorium Orchestra Pit, in the amount of \$11,171.30. After discussion a Motion was made by G. Murray, seconded by A. Harkness and passed unanimously to accept the proposal from Northeast Flooring for Auditorium carpet with the clarification installing a 4" border strip at the intersection of the aisles and the orchestra pit, at a cost of \$11,171.30. **G. Murray reported that he and R. Harbaum reviewed the work and the reported completion of the Punch List. G. Murray reported that the Punch List is not complete and there are several items of poor quality installation. G. Murray has provided a written report to K. Thompson for forwarding to Northeast Flooring along with notification that their invoice(s) will not be paid until the work is completed satisfactorily and K. Thompson will provide the report to the Committee.***

VI. OTHER

The School Department has submitted a request, in the amount of \$5,100.00 to purchase additional tables and chairs for the Library at Stony Brook. B. Olsen and P. Cohen explained that current seating and tables accommodates one (1) class and that frequently there is a need for more than one class to use the Library simultaneously. After discussion it was agreed to review the Educational Specification for the school and to revisit this request at our next meeting. After discussion A Motion was made by G. Murray seconded by K. Ware and passed after considerable discussion by a vote of eight (8) in favor with one (1) opposed.

T. Ellis reported problems with the gymnasium floor deforming, in his observation similar to the issues previously addressed where the rubber and VCT tiles are installed. The committee will

investigate the situation, beginning with an assessment of the moisture content in the concrete slab beneath the floor. G. Murray will visit the site and bring a moisture meter to perform an initial moisture content measurement.

G. Murray reported that he has prepared a draft of the committee's portion of the annual Town Report and asked the committee to review the draft. Discussion followed providing comments and suggestions as to the content of the report, focusing on the status of the audit and reimbursement process for our projects.

The next meeting is scheduled for Thursday, March 29, 2007, at 7:30 P.M. at the Central Office. The meeting was adjourned at 8:28 P.M.

Respectfully submitted,

Steven Brierley, Secretary

Minutes approved _____ by a vote of _____

Signed _____